

PETER C. HARVEY  
ATTORNEY GENERAL OF NEW JERSEY  
ATTORNEY FOR MOVANT  
BY: MASHA D. ROZMAN  
DEPUTY ATTORNEY GENERAL  
25 MARKET STREET, P.O. BOX 093  
TRENTON, NEW JERSEY 08625-0093  
(609) 984-7141

Honorable Garrett E. Brown, Jr., U.S.D.J.  
Criminal No. 04-162 (GEB)

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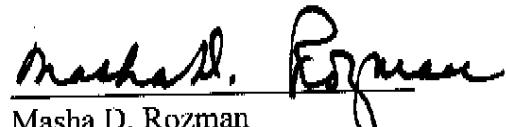
UNITED STATES OF AMERICA : CRIMINAL ACTION

v. :  
HARRY G. PARKIN : Notice of Motion to Quash Subpoena,  
pursuant to FED. R. CRIM. P. 17(c)

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Please take notice that on Thursday, February 24, 2005, at 1:00 p.m., or as soon as  
counsel can be heard, Movant, State of New Jersey, on behalf of Daniel DiLella, will bring the  
above motion for hearing.

By:

  
Masha D. Rozman  
Deputy Attorney General

Dated: February 24, 2005

PETER C. HARVEY  
ATTORNEY GENERAL OF NEW JERSEY  
ATTORNEY FOR MOVANT  
BY: MASHA D. ROZMAN  
DEPUTY ATTORNEY GENERAL  
DIVISION OF LAW  
ENVIRONMENTAL SECTION  
25 MARKET STREET, P.O. BOX 093  
TRENTON, NEW JERSEY 08625-0093  
609-984-7141

Honorable Garrett E. Brown, Jr., U.S.D.J.  
Criminal No. 04-162 (GEB)

UNITED STATES OF AMERICA :

CRIMINAL ACTION

v.

HARRY G. PARKIN : Motion to Quash Subpoena,  
pursuant to FED. R. CRIM. P. 17(c)

The State of New Jersey, on behalf of Deputy Attorney General Daniel DiLella, moves pursuant to Rule 17(c), Federal Rules of Criminal Procedure, to quash the subpoena issued to him on February 18, 2005, in the above-captioned matter. This motion is based upon the grounds that: it would be unreasonable and oppressive to require the State's attorney to comply with defendant's subpoena inasmuch as it seeks the provision of information subject to the attorney/client privilege and requires a State attorney to testify as to matters that are speculative in nature, require him to divulge his personal opinions, thought processes, and legal interpretations of State statutes and regulations, in circumstances where the defendant has the ability to obtain the desired information from witnesses who, unlike Deputy Attorney General DiLella, have direct knowledge of the information sought. In addition, to the extent that the subpoena requires Deputy Attorney General to testify as to the authenticity of official records that have been compiled pursuant to the A-901 statute, the Federal

Rules of Evidence provide the mechanism whereby the documents may be certified as authentic without the necessity of live testimony.

WHEREFORE, the State of New Jersey, on behalf of Daniel DiLella, requests that the subpoena heretofore issued be quashed and the witness be relieved of testifying.

By:

Masha D. Rozman  
Masha D. Rozman  
Deputy Attorney General

Dated: Feb. 24, 2005

PETER C. HARVEY  
ATTORNEY GENERAL OF NEW JERSEY  
R.J. Hughes Justice Complex  
25 Market Street  
P.O. Box 093  
Trenton, New Jersey 08625  
(609) 984-7141

By: Masha D. Rozman  
Deputy Attorney General  
(609) 984-7141

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
VICINAGE OF MERCER

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UNITED STATES, :  
v.

Plaintiff, : HONORABLE Garrett E. Brown, Jr.  
v. : Criminal Case Number:  
HARRY PARKIN, : 04-162 (GEB)  
Defendant. : CERTIFICATION OF SERVICE

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Masha D. Rozman, of full age, hereby certifies as follows:

1. I am a Deputy Attorney General of the State of New Jersey assigned to the Environmental Section.
2. On February 24, 2005, I personally delivered to Harry G. Parkin, Esq. the following papers:

1. Notice of Motion to Quash Subpoena
2. Brief in Support of Motion
3. Affidavit in Support of Motion to Quash Subpoena
4. Proposed Form of Order

3. The above statements are true. I am aware that if any of my statements are wilfully false, I may be punished by law.

BY: Masha D. Rozman  
Masha D. Rozman  
Deputy Attorney General

Dated: Feb. 24, 2005



*State of New Jersey*

RICHARD J. CODEY  
*Acting Governor*

OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF LAW  
25 MARKET STREET  
PO Box 093  
TRENTON, NJ 08625-0093

PETER C. HARVEY  
*Attorney General*

February 24, 2005

James P. Murphy, Chief Deputy Clerk  
United States District Court  
Clarkson S. Fisher Federal Building  
402 East State Street  
Trenton, New Jersey 08608

Re: United States of America v. Harry G. Parkin  
Criminal No. 04-162 (GEB)

Dear Mr. Murphy:

Enclosed in the above matter please find an original and two copies of the State of New Jersey's Notice of Motion, Motion, Brief, and Certification to quash a subpoena pursuant to FED. R. CRIM. P. 17(c). Two copies have been sent directly to Judge Brown. Also enclosed is an affidavit indicating service upon counsel for defendant.

Respectfully submitted,

PETER C. HARVEY  
ATTORNEY GENERAL OF NEW JERSEY

By: Masha D. Rozman

Masha D. Rozman  
Deputy Attorney General

Encl.

c: Honorable Garrett E. Brown, Jr., U.S.D.J.  
MDR/pvg

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